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CV-S-04-1490-PMP-LRL

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KIMBERLY JACOBS, individually and through her father and  
next friend, DONALD JACOBS; DONALD JACOBS individually  
and on behalf of his minor daughter, KIMBERLY JACOBS;

Plaintiffs

v

CLARK COUNTY SCHOOL DISTRICT; SHEILA MOULTON;  
RUTH JOHNSON; DENISE BRODSKY; MARY BETH SCOW;  
SUSAN BRAGER-WELLMAN; LARRY MASON; SHIRLEY  
BARBER; as the BOARD OF TRUSTEES for the CLARK  
COUNTY SCHOOL DISTRICT and their successors in office;  
CARLOS GARCIA, Superintendent of the Clark County School  
District; EMELIO FERNANDEZ, JR., Principal of Liberty  
High School, Clark County, Nevada,

Defendants.

**Verified Complaint**

Come now the Plaintiffs, by and through the undersigned attorneys, and file this Verified Complaint for declaratory relief stating that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty High School mandatory school uniform requirement violate, both facially and as applied by the Defendants: freedom of speech, establishment, free exercise of religion, equal protection and due process clauses of the United States Constitution and Article 1, Section 9 of the Nevada

1 Constitution. Moreover, the Liberty High School requirement violates Nevada state statute. In  
2 addition, Plaintiffs request injunctive relief to enjoin Defendants from enforcing these provisions,  
3 and to also enjoin Defendants from imposing any discipline on Plaintiff Kimberly Jacobs for failing  
4 to adhere to the Liberty High School requirement and allowing her to conform to the District wide  
5 policy as set forth in Clark County School District (CCSD) Regulation 5131 (IV). Plaintiffs also  
6 request that all records of discipline and academic penalty suffered by Plaintiff Kimberly Jacobs  
7 be expunged. Plaintiffs also seek appropriate damages.

## 8 9 **I. Introduction**

10 1. The Plaintiffs bring this action for declaratory and injunctive relief pursuant to 28  
11 USC §2201 and 42 USC §1983 requesting that this Honorable Court declare NRS 392.458, CCSD  
12 Regulation 5131 (VI & VII) and the Liberty High School mandatory school uniform policy in  
13 violation of the First and Fourteenth Amendments to the U.S. Constitution, and Article 1, Section  
14 9 of the Nevada Constitution, and that it enjoin the statute's enforcement by the Defendants.

15 2. Because this cause of action involves federal constitutional claims, this Court  
16 has jurisdiction pursuant to 28 USC §1331.

17 3. Venue is proper in the District of Nevada pursuant to 28 USC §1391.

18 4. Because the Clark County School District is not an arm of the state, this suit is not  
19 barred by the Eleventh Amendment to the U.S. Constitution,. *See, Eason v. Clark County School*  
20 *District*, 303 F.3d 1137, 1145 (9<sup>th</sup> Cir. 2002); *See also Culinary Workers Union v. Del Papa*, 200  
21 F.3d 614, 619 (9<sup>th</sup> Cir. 1999)

## 22 **II Parties**

23 5. Plaintiff Kimberly Jacobs is a student at Liberty High School in the Clark County  
24 School District.

25 6. Plaintiff Donald Jacobs is the father of Kimberly Jacobs.

26 7. Defendant Clark County School District is a political entity authorized to educate the  
27 children in Clark County, Nevada.

28 8. Defendants Moulton, Johnson, Scow, Brager-Wellman, Brodsky, Mason and Barber

1 are the Board of Trustees for the Clark County School District. Defendant Garcia is District  
2 Superintendent.

3 9. Defendant Fernandez is the principal of Liberty High School.

## 4 **II Facts**

5 10. The Nevada Legislature has addressed the issue of school uniforms through  
6 legislation that enables school districts to enact such policies. NRS 392.458 (Exhibit 1) states the  
7 following:

8 “NRS 392.458. Authorization to establish policy of uniforms for pupils and dress  
9 code for educational personnel; financial assistance for pupils to purchase uniforms

10 1. The board of trustees of a school district may, in consultation with the schools  
11 within the district, parents and legal guardians of pupils who are enrolled in the  
12 district, and associations and organizations representing licensed educational  
13 personnel within the district, establish a policy that requires pupils to wear school  
14 uniforms.

12 2. The policy must:

13 (a) Describe the uniforms;

14 (b) Designate which pupils must wear the uniforms; and

15 (c) Designate the hours or events during which the uniforms must be worn.

16 3. If the board of trustees of a school district establishes a policy that requires pupils  
17 to wear school uniforms, the board shall facilitate the acquisition of school uniforms  
18 for pupils whose parents or legal guardians request financial assistance to purchase  
19 the uniforms.

20 4. The board of trustees of a school district may establish a dress code enforceable  
21 during school hours for the teachers and other personnel employed by the board of  
22 trustees.”

23 11. Thus, Nevada law clearly states that any implementation of a school uniform policy  
24 in Clark County must be made by the Board of Trustees. Moreover, such action can only take place  
25 in consultation with schools, parents and school personnel, and must also devise a plan to provide  
26 for financial assistance to poor families for purchasing mandatory uniforms.

27 12. The Clark County School District Regulation (CCSD)5131 (Exhibit 2) sets forth  
28 District dress and appearance policies. District wide standards are contained in Section IV. In  
addition, Sections VI and VII sets forth District policies and requirements for schools implementing  
school uniform policies.

13. CCSD Regulation, 5131, Section VI (A) mandates parental participation and

1 approval for any school's decision concerning a school uniform requirement and financial assistance  
2 for low income families.

3 14. CCSD Regulation, 5131, Section VI (C)(3) mandates that no student not in  
4 compliance with a uniform policy be penalized academically.

5 15. CCSD Regulation, 5131, Section VI (C) 4 a provides an exception to school  
6 uniform requirements when "a student wears the uniform of a nationally recognized youth  
7 organization such as the Boy Scouts or the Girl Scouts" or "an approved school activity uniform such  
8 as an athletic team uniform or performing group uniform."

9 16. CCSD Regulation, 5131, Section VI (C) 4 b requires an opt out provision for  
10 families with religious objections to uniforms.

11 17. CCSD Regulation 6113.2 (III) states that:"Student initiated non-school sponsored  
12 religious speech is acceptable in the public schools in the same manner as other free speech."

13 18. Liberty High School's regulation mandating a school uniform (Exhibit 3) allows  
14 students to wear only solid colored, white, red or blue tops and khaki bottoms.

15 19. Liberty High School's regulation mandating a school uniform does not permit any  
16 messages on shirts except those consisting of Liberty High School logos or designs.

17 20. Defendant Fernandez has told Plaintiff Don Jacobs that Liberty High School's  
18 regulation mandating a school uniform was not implemented with the use of any polls or other  
19 survey of parents as mandated by CCSD Regulation 5131 (VI & VII), but that it was his sole  
20 personal decision, because he believed the policy promoted a family atmosphere.

21 21. Defendant Fernandez also told Don Jacobs that he (Fernandez) did not believe that  
22 the Liberty High School regulation had to adhere to CCSD Regulation 5131 (VI & VII).

23 22. Plaintiff Kimberly Jacobs has worn shirts to Liberty High School with messages  
24 reflecting her Latter Day Saints (LDS) religious beliefs.

25 23. Ms. Jacobs and her father have been told by Mr. Fernandez and other Liberty High  
26 School officials that her religious message bearing shirts, although permissible under CCSD  
27 Regulation 5131 (IV) are impermissible under the Liberty High School regulations because they  
28 contain messages other than those of the school itself.

1           24.     Plaintiff Kimberly Jacobs has been disciplined by Liberty High School for wearing  
2 shirts with religious messages (Exhibit 4). This discipline includes in school suspension, and  
3 suspension from school on four separate occasions for a total of approximately 25 days.

4           25.     Ms. Jacobs has also been penalized academically for the classroom work she missed  
5 while prevented from attending class due to her suspensions for wearing shirts with religious  
6 messages (Exhibit 5).

7           26.     At no time was there any claim, assertion, suggestion or intimation that Ms. Jacobs  
8 created any disruption or created a situation where a disruption of the educational process was likely  
9 to occur. Plaintiffs have continually been told by Mr. Fernandez and other school officials that the  
10 sole reasons for imposing discipline on Ms. Jacobs was that her shirts with religious messages did  
11 not conform to the Liberty High School regulation that allows only pro school messages on shirts.

12           27.     Plaintiffs have observed that other Liberty High School students wearing message  
13 bearing shirts, including those with slogans touting the school's athletic teams, have not been  
14 disciplined .

15           28.     The issue of the treatment of Ms. Jacobs by Liberty High School for wearing shirts  
16 bearing religious messages has been discussed by the Board of Trustees of the Clark County School  
17 District on several occasions. Several Trustees have expressed displeasure at this action and have  
18 also expressed a desire that no student be disciplined for failure to adhere to a mandatory school  
19 uniform policy such as that at Liberty High School until such time as District Policy can be modified.  
20 On or about November 18, 2004, the Clark County School Board is scheduled to vote on a proposal  
21 that would rescind for the 2004-2005 school year, all school uniform policies that, like Liberty's,  
22 were adopted by the school without following District requirements as set forth in CCSD Regulation  
23 5131 (VI & VII). However, despite the Board members' expressions of concern, no action has been  
24 taken to protect Ms. Jacobs and other students so situated.

25           29.     Liberty High School officials have informed the Plaintiffs that they will continue to  
26 take adverse actions against Ms. Jacobs unless and until she ceases to wear her shirts bearing  
27 religious messages. On October 26, 2004 Don Jacobs was told by the regional school superintendent  
28 that Kim had only three options: 1) to comply with the school uniform policy, 2) to be referred to

1 a school for students with behavioral problems or, 2) to leave Liberty High School for some home  
 2 schooling option. This was said despite the fact that Liberty High School personnel were aware of  
 3 the fact that the School Board has pending, a proposal that would rescind all school uniform policies  
 4 for the 2004-2005 school year that, like Liberty's, were not adopted pursuant to the requirements of  
 5 CCSD Regulation (VI and VII).

6 On October 27, 2004 Donald Jacobs was told by Liberty High School that procedures had  
 7 been initiated to remove Kimberly Jacobs from Liberty High School to a school for students with  
 8 discipline problems, even though no allegation that Kim's religious T-shirts have actually caused  
 9 or threatened to cause any disruption at school, was ever made.

10 30. Liberty High School's mandatory school uniform policy is constitutionally invalid  
 11 both facially and as applied to Ms. Jacobs in that it violates the First and Fourteenth Amendments  
 12 to the United States Constitution concerning the rights to freedom of speech and the free exercise  
 13 of religion. It also is in violation of the requirements of NRS 392.458 and of CCSD Regulation  
 14 5131.

15 31. Because of the actions of Liberty High School officials and the inaction of the CCSD  
 16 Board of Trustees, Kimberly Jacobs has had her education interfered with for constitutionally  
 17 impermissible reasons and faces the very real threat of having such constitutionally untenable  
 18 punishment continue, unless immediate injunctive relief is granted.

#### 19 **IV Standing**

20 32. Plaintiffs have standing in that Kimberly Jacobs has already been disciplined and  
 21 penalized academically for not adhering to the Liberty High School mandatory school uniform  
 22 requirement, including four separate suspensions from school. School officials have told Plaintiffs  
 23 of their intention to continue to impose such penalty. Thus, the requirements for Article III standing  
 24 have been met.

#### 25 **V. Violations of the United States Constitution**

##### 26 **A. NRS 392.458**

##### 27 **First Cause of Action (NRS 392.458)**

##### 28 **Violation of the right of freedom of speech guaranteed**



1                                   **by the First and Fourteenth Amendments**  
2                                   **to the United States Constitution**

3           33.     Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

4           34.     NRS 392.458 violates the right to freedom of speech guaranteed by the First and  
5     Fourteenth Amendments to the United States Constitution, both facially and as applied by  
6     Defendants.

7                                   **Second Cause of Action**  
8                                   **(NRS 392.458)**  
9                                   **Violation of the right of free exercise of religion guaranteed**  
10                                  **by the First and Fourteenth Amendments**  
11                                  **to the United States Constitution**

12           35.     Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

13           36.     NRS 392.458 violates the right to free exercise of religion guaranteed by the First  
14     and  
15     Fourteenth Amendments to the United States Constitution, both facially and as applied by  
16     Defendants.

17                                  **Third Cause of Action**  
18                                  **(NRS 392.458)**  
19                                  **Violation of the Equal Protection Clause of**  
20                                  **the Fourteenth Amendment**  
21                                  **to the United States Constitution.**

22           37.     Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

23           38.     NRS 392.458 violates the equal protection clause of the Fourteenth Amendment to  
24     the United States Constitution, both facially and as applied by Defendants.

25                                  **Fourth Cause of Action**  
26                                  **(NRS 392.458)**  
27                                  **Violation of the right to due process of**  
28                                  **guaranteed by the**  
                                     **to the United States Constitution.**

          39.     Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

          40.     NRS 392.458 violates the equal protection clause of the Fourteenth Amendments to  
the United States Constitution, both facially and as applied by the Defendants.

**Fifth Cause of Action**  
                                     **(NRS 392.458)**  
                                     **Vagueness and overbreadth**

1           41.     Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

2           42.     NRS 392.458 is unconstitutionally vague and overbroad.

3           **B.     CCSD Regulation 5131 (VI & VII)**

4                               **Sixth Cause of Action**  
5                               **(CCSD Regulation 5131 (VI & VII))**  
6                               **Violation of the right of freedom of speech guaranteed**  
7                               **by the First and Fourteenth Amendments**  
8                               **to the United States Constitution**

9           43.     Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

10          44.     CCSD Regulation 5131 (VI & VII) violates the right to freedom of speech  
11                guaranteed by the First and Fourteenth Amendments to the United States Constitution, both facially  
12                and as applied by Defendants.

13                               **Seventh Cause of Action**  
14                               **(CCSD Regulation 5131 (VI & VII))**  
15                               **Violation of the establishment clause and right of free exercise of religion**  
16                               **guaranteed by the First and Fourteenth Amendments**  
17                               **to the United States Constitution**

18          45.     Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

19          46.     CCSD Regulation 5131 (VI & VII) violates the establishment clause and the right to  
20                free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States  
21                Constitution, both facially and as applied by Defendants.

22                               **Eighth Cause of Action**  
23                               **(CCSD Regulation 5131 (VI & VII))**  
24                               **Violation of the Equal Protection Clause of**  
25                               **the Fourteenth Amendment**  
26                               **to the United States Constitution.**

27          47.     Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

28          48.     CCSD Regulation 5131 (VI & VII) violates the equal protection clause of the  
29                Fourteenth Amendment to the United States Constitution, both facially and as applied by  
30                Defendants.

31                               **Ninth Cause of Action**  
32                               **(CCSD Regulation 5131 (VI & VII))**  
33                               **Violation of the right to due process of**  
34                               **guaranteed by the**  
35                               **to the United States Constitution.**

36          49.     Plaintiffs reallege and incorporate by reference herein the allegations set forth above.



50. CCSD Regulation 5131 (VI & VII) violates the the right to due process of guaranteed by the to the United States Constitution. equal protection clause of the Fourteenth Amendments to the United States Constitution, both facially and as applied by the Defendants.

**Tenth Cause of Action  
(CCSD Regulation 5131 (VI & VII))  
Vagueness and overbreadth**

51. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

52. CCSD Regulation 5131 (VI & VII) is unconstitutionally vague and overbroad.

**C. Liberty High School mandatory school uniform requirement**

**Eleventh Cause of Action  
(Liberty High School mandatory school uniform requirement)  
Violation of the right of freedom of speech guaranteed  
by the First and Fourteenth Amendments  
to the United States Constitution**

53. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

54. The Liberty High School mandatory school uniform requirement violates the right to freedom of speech guaranteed by the First and Fourteenth Amendments to the United States Constitution, both facially and as applied by Defendants.

**Twelfth Cause of Action  
(Liberty High School mandatory school uniform requirement)  
Violation of the right of free exercise of religion guaranteed  
by the First and Fourteenth Amendments  
to the United States Constitution**

55. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

56. The Liberty High School mandatory school uniform requirement violates the right to free exercise of religion guaranteed by the First and Fourteenth Amendments to the United States Constitution, both facially and as applied by Defendants.

**Thirteenth Cause of Action  
(Liberty High School mandatory school uniform requirement)  
Violation of the Equal Protection Clause of  
the Fourteenth Amendment  
to the United States Constitution.**

57. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

58. The Liberty High School mandatory school uniform requirement violates the equal protection clause of the Fourteenth Amendment to the United States Constitution, both facially and

as applied by Defendants.

**Fourteenth Cause of Action**  
**(Liberty High School mandatory school uniform requirement)**  
**Violation of the right to due process of**  
**guaranteed by the**  
**to the United States Constitution.**

59. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

60. The Liberty High School mandatory school uniform requirement violates the right to due process guaranteed by the United States Constitution, both facially and as applied by the Defendants.

**Fifteenth Cause of Action**  
**(Liberty High School mandatory school uniform requirement)**  
**Vagueness and overbreadth**

61. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

40. The Liberty High School mandatory school uniform requirement is unconstitutionally vague and overbroad.

**VI Violations of the Nevada Constitution**

**Sixteenth Cause of Action**  
**(NRS 392.458)**  
**Violation of Article 1, Section 9**  
**of the Nevada Constitution**

62. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

63. NRS 392.458 violates Article 1, Section 9 of the Nevada Constitution.

**Seventeenth Cause of Action**  
**(CCSD Regulation 5131 (VI & VII))**  
**Violation of Article 1, Section 9**  
**of the Nevada Constitution**

64. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

65. CCSD Regulation 5131 (VI & VII) violates Article 1, Section 9 of the Nevada Constitution violates Article 1, Section 9 of the Nevada Constitution.

**Eighteenth Cause of Action**  
**(Liberty High School mandatory school uniform requirement)**  
**Violation of Article 1, Section 9**  
**of the Nevada Constitution**

66. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

67. The Liberty High School mandatory school uniform requirement violates Article 1,

1 Section 9 of the Nevada Constitution.

2 **VII State law violations**

3 **Nineteenth Cause of Action**  
4 **(CCSD Regulation 5131 (VI & VII))**  
5 **Violation of state law**

68. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

69. CCSD Regulation 5131 (VI & VII) violates NRS 392.458

7 **Twentieth Cause of Action**  
8 **(Liberty High School mandatory school uniform requirement)**  
9 **Violation of state law**

70. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

71. The Liberty High School mandatory school uniform requirement violates NRS  
10 392.458.

11 **Twenty-first Cause of Action**  
12 **Violation of the right to an education**

13 73. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

14 74. Defendants' actions have illegally deprived Kimberly Jacobs to her right to an  
15 education.

16 **Twenty-second cause of action**  
17 **intentional infliction of emotional distress**

18 75. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

19 76. Defendants' actions have caused Kimberly Jacobs to suffer significant emotional  
20 harm.

21 **Twenty-third cause of action**  
22 **Interference with parental rights**

23 77. Plaintiffs reallege and incorporate by reference herein the allegations set forth above.

24 78. Defendants' actions have illegally interfered with Plaintiff Donald Jacobs' right to  
25 raise

26 his child in the manner he sees fit.

27 WHEREFORE, Plaintiffs' request this Honorable Court for the following:

28 a. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty

1 High School mandatory school uniform requirement violate, both facially and as applied by the  
 2 Defendants, the free speech clause of the First Amendment to the United States Constitution;

3 b. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty  
 4 High School mandatory school uniform requirement violate, both facially and as applied by the  
 5 Defendants, the free exercise of religion clause of the First Amendment to the United States  
 6 Constitution;

7 c. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty  
 8 High School mandatory school uniform requirement violate, both facially and as applied by the  
 9 Defendants, the equal protection clause of the First Amendment to the United States Constitution;

10 d. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty  
 11 High School mandatory school uniform requirement violate, both facially and as applied by the  
 12 Defendants, the right to due process of law guaranteed by the United States Constitution;

13 e. a declaration that NRS 392.458, CCSD Regulation 5131 (VI & VII) and the Liberty  
 14 High School mandatory school uniform requirement violate, both facially and as applied by the  
 15 Defendants, Article 1, Section 9 of the Nevada Constitution;

16 f. a declaration that CCSD Regulation 5131 (VI & VII) and the Liberty High School  
 17 mandatory school uniform requirement violate, NRS 392.458, both facially and as applied by the  
 18 Defendants;

19 g. an injunction prohibiting enforcement of NRS 392.458, CCSD Regulation 5131 (VI  
 20 & VII) and the Liberty High School mandatory school uniform requirement.

21 h. an injunction to prohibit the Defendants from taking any disciplinary action against  
 22 Plaintiff Kimberly Jacobs, or to punish her academically for failure to adhere to the Liberty High  
 23 School mandatory school uniform requirement, as long as she adheres to the provisions contained  
 24 in CCSD Regulation 5131 (IV).

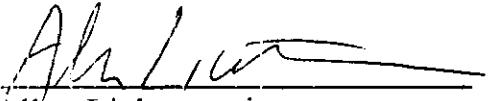
25 i. an order reversing any disciplinary action against Plaintiff Kimberly Jacobs, or any  
 26 for academic punishment or to adhere to the Liberty High School mandatory school uniform  
 27 requirement, and expunging such information from her academic records;

28 j. damages in an amount to be determined at the time of trial;

- h. reasonable costs and attorneys fees;  
i. any further relief the Court deems appropriate.

Dated this 28th day of October 2004:

Respectfully submitted by:

  
Allen Lichtenstein  
General Counsel, ACLU of Nevada  
NV Bar No. 3992  
3315 Russell Road, No. 222  
Las Vegas, Nevada 89120  
(702) 433-2666

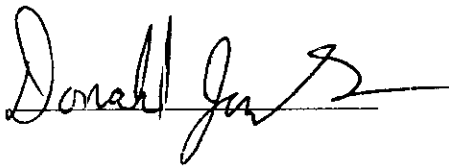
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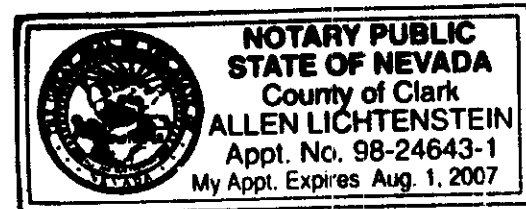
Attorneys for Plaintiffs

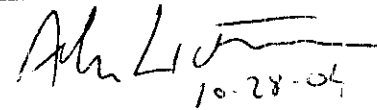
### VERIFICATION

Donald Jacobs, hereby makes the following declaration: (1) he is a Plaintiff in the above titled action, (2) he has read the foregoing Complaint and knows the contents thereof, and (3) the same is true of his own knowledge except for those matters therein stated on information and belief.

Dated this 28th day of October 2004.





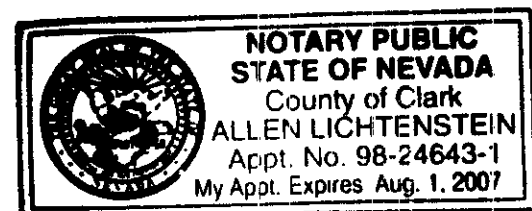
  
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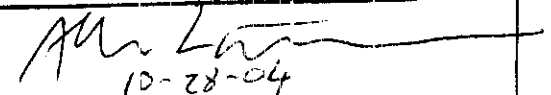
### VERIFICATION

Kimberly Jacobs, hereby makes the following declaration: (1) she is a Plaintiff in the above titled action, (2) She has read the foregoing Complaint and knows the contents thereof, and (3) the same is true of her own knowledge except for those matters therein stated on information and belief.

Dated this 28th day of October 2004.





  
10-28-04

## Exhibit 1

Page 1

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ST 392.458  
.R.S. 392.458

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## NEVADA REVISED STATUTES

## TITLE 34. EDUCATION

## CHAPTER 392. PUPILS

## HEALTH, SAFETY AND DISCIPLINE OF PUPILS

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2.458 Authorization to establish policy of uniforms for pupils and dress code for educational personnel; financial assistance for pupils to purchase uniforms.

1. The board of trustees of a school district may, in consultation with the schools within the district, parents and legal guardians of pupils who are enrolled in the district, and associations and organizations representing licensed educational personnel within the district, establish a policy that requires pupils to wear school uniforms.

2. The policy must:

(a) Describe the uniforms;

(b) Designate which pupils must wear the uniforms; and

(c) Designate the hours or events during which the uniforms must be worn.

3. If the board of trustees of a school district establishes a policy that requires pupils to wear school uniforms, the board shall facilitate the acquisition of school uniforms for pupils whose parents or legal guardians request financial assistance to purchase the uniforms.

4. The board of trustees of a school district may establish a dress code enforceable during school hours for the teachers and other personnel employed by the board of trustees.

EDIT

added to NRS by 1997, 2488)

<General Materials (GM) - References, Annotations, or Tables>

R. S. 392.458

ST 392.458

D OF DOCUMENT



Exhibit 2

CLARK COUNTY SCHOOL DISTRICT REGULATION

5131

DRESS AND APPEARANCE

I. Community Standards

The Clark County School District reserves the right to insist that the dress and grooming of students are within the limits of generally accepted community standards and that students shall be required to show proper attention to personal cleanliness.

II. Educational Environment

Student's dress, personal appearance, and conduct are required to be of such character as not to disrupt or detract from the educational environment of the school. Any style which tends to diminish instructional effectiveness or discipline control by teachers is not acceptable.

III. Responsibility

The school administration shall have the right to designate which types of dress, fashion, fads, or appearance disrupt or detract from the educational program and may be a potential safety hazard.

IV. Information

Handbooks and/or newsletters prepared at each organizational level (elementary, junior high, or senior high) shall express uniformity on specific requirements and prohibitions. Each school will be responsible for in-service activities to acquaint students and staff with the enforcement procedures of these requirements. Notifications of dress code changes occurring during the school year, shall be sent promptly to parents. Statements shall be included which:

- A. Require the wearing of shoes with soles.
- B. Prohibit wearing crop tops (no skin showing between bottom of shirt/blouse and top of pants or skirts), strapless, low-cut clothing, clothing with slits, or tops and outfits that provide minimum coverage.
- C. No spaghetti straps permitted; all sleeveless shirts must have straps at least three inches wide and cover the shoulder.
- D. Require that all shorts, skirts, and dresses must be at fingertip length. If shorts are worn, they must be hemmed and without fraying.
- E. Prohibit the wearing of headgear on campus except for designated school approved uniforms or at authorized athletic practices or activities.

5131 (Page 2)

F. Prohibit slogans or advertising on clothing which by their controversial or obscene nature disrupt the educational setting. No spiked or studded clothing.

G. Coats, mittens, and scarves must be removed upon entering the classrooms.

#### V. Special Occasions

The principal shall retain the authority to grant exceptions for special occasions and/or special conditions.

VI. It is the intent of the Board of School Trustees to establish a pilot program for mandatory school uniforms at Frank Lamping, John C. Vanderburg, Neil C. Twitchell, C. T. Sewell, and Marlan J. Walker Elementary Schools, according to the following provisions. The administration of those schools will provide a report and recommendations to the Board of School Trustees after the program is in place for six months.

#### A. General Information

1. The Board of School Trustees may allow specific schools within the district to establish a policy that requires pupils to wear school uniforms for the purpose of increasing student achievement. Each school, which chooses to participate, will separately determine its involvement, appropriate uniform, programs for financial assistance, and work with members of the school community to ensure community involvement.
2. A school which chooses to implement a mandatory school uniform policy, must survey all families at the school. At least fifty-one (51) percent of the surveys must be returned with a seventy percent favorable response supporting school uniforms from the respondents.
3. The survey shall pose the sole question as to whether the parent(s) would support the school adopting a mandatory school uniform policy.
4. The implementation of a mandatory school uniform policy at a specific school site must adhere to the parameters as set forth by this regulation.

#### B. Mandatory Student Uniform Requirements Are:

##### MALES

pants (no jeans)  
 shorts (no jeans)  
 sweaters worn over approved shirts  
 jackets (school option)  
 sweatshirts/sweat suits  
 (plain or school logo)  
 shirts (long- or short-sleeved,  
 logo free or school logo)

##### FEMALES

pants (no jeans)  
 shorts (no jeans)  
 sweaters worn over approved shirts  
 jackets (school option)  
 sweatshirts/sweat suits  
 (plain or school logo)  
 shirts (long- or short-sleeved,  
 logo free or school logo)  
 skirts or skorts (no jeans)

jumpers (no jeans)  
blouses (long- or short-sleeved,  
logo free or school logo)

Basic colors of khaki, navy, and white will be required at all mandatory uniform schools. Optional color(s) may be added.

C. Compliance Measures

1. All students enrolled in site-specific schools that have determined to implement a mandatory student uniform policy are required to wear the adopted school uniform.
2. Each school shall develop positive reinforcement measures to encourage full compliance with the uniform policy. Each school should strive to achieve full compliance through use of positive reinforcement measures, and should resort to disciplinary action only when positive measures fail to ensure compliance. In addition, schools shall communicate with parents so that expectations, rationale, and benefits are fully understood by the student and his/her family.
3. Since the intent of the policy is not to inhibit or prohibit any student who is not in uniform from receiving the education to which he/she is entitled, no student shall receive a lowered academic grade as a result of not complying with the policy. In addition, prior to initiating any disciplinary action against a student not complying with the policy, a conference with the parent must be held with a school administrator.
  - a. Conference with student and give opportunity to change into a uniform.
  - b. Continued violations will result in progressive disciplinary action in alignment with school-based progressive discipline plan.
4. No student shall be considered noncompliant with the policy in the following instances:
  - a. When a student wears the uniform of a nationally recognized youth organization such as the Boy Scouts or the Girl Scouts on regular meeting days, or an approved school activity uniform such as an athletic team uniform or performing group uniform.
  - b. When wearing a school uniform violates a student's/parent's religious belief.

5131 (Page 4)

5. Students will be expected to wear the school approved mandatory student uniform during regular school hours while in attendance at the school or school approved functions. Regular school hours are considered to be the accepted regular school academic day. The principal shall retain the authority to grant exceptions for special occasions and/or special events.
6. Parents who choose not to have their child participate in the school uniform program will be considered eligible to apply for a zone variance under applicable district regulations.

D. Information Dissemination

It is the responsibility of the school to communicate to parents information including general guidelines for enforcement of the uniform policy.

E. Financial Considerations

1. No students shall be denied attendance at school, penalized, or otherwise subject to compliance measures for failing to wear a uniform by reason of financial hardship.
2. Each school shall:
  - a. Develop a procedure to identify families in need of financial assistance.
  - b. Work with staff, the local school community and business partners to identify resources for assisting families.
  - c. Assist those identified families to purchase the approved uniform.

VII. Mandatory Student Uniform Policy Determination Procedure

Parental support for a mandatory student uniform policy is critical for its implementation and success. Therefore, parent's/guardian's involvement in the decision-making process must take place throughout the procedure.

Prior to the implementation of a mandatory student uniform policy the individual school considering such a policy will:

- A. Ensure student/parent/staff input and involvement throughout the decision-making process.

- B. Thoroughly review with students/parents/staff available research on the advantages/disadvantages of a mandatory student uniform policy. In particular, emphasis of the effect of student uniforms upon the education environment including student learning, instructional effectiveness, and student discipline shall be discussed.
- C. Openly communicate with students/parents/staff all issues of a mandatory student uniform policy actively seeking their input, suggestions, and recommendation.
- D. If a school has met the criteria provided for in Section VI (A) the principal with the approval of the region superintendent will determine whether to implement a mandatory school uniform policy.
- E. Notification of the final decision will be appropriately distributed to students, parents, and staff. In order to give students/parents/staff and the school adequate time to plan for the opening of the school year, notification of the final decision will be disseminated prior to the end of the current school year of any given calendar year.
- F. Should a decision be made to implement a mandatory student uniform policy, a site-based committee of students, parents, staff, and administrators will be responsible for site-based uniform options as provided for by this regulation.

Review Responsibility:	Instruction Unit
Adopted:	[5132:8/11/66]
Revised:	(3/13/80; 8/13/81; 7/12/84; 5/7/87; 6/9/88; 8/25/92; 5/14/96; 7/24/97; 4/23/98; 7/22/99; 7/11/02, 7/10/03)
Pol Gov Rev:	6/28/01

Exhibit 3

LIBERTY HIGH SCHOOL  
CAMPUS WARDROBE  
BASIC GUIDELINES

PANTS, SHORTS, SKIRTS, SKORTS & CAPRIS WILL BE TAN (KAUKI)

(SHORTS, SKORTS AND SKIRTS HAVE TO BE FINGER TIP LENGTH)

TOPS MUST BE SOLID COLOR PLAN RED, WHITE OR NAVY BLUE  
INCLUDES T-SHIRTS, POLO SHIRTS AND DRESS SHIRTS.

EXCEPTION: (LOGOS ON TOPS WILL BE EXCEPTED ONLY IF THEY ARE  
LIBERTY HIGH SCHOOL LOGOS OR DESIGNS)

SHOES

FLIP FLOPS ARE NOT ALLOWED

THE LIBERTY CAMPUS WARDROBE MUST FOLLOW THE CLARK COUNTY SCHOOL  
DISTRICT'S GUIDELINES FOR SCHOOL ATTIRE.

ANY QUESTIONS ABOUT CAMPUS WARDROBE SHOULD BE DIRECTED TO THE DEANS OFFICE.



## Exhibit 4

9993 - 500806

CCF-806  
Rev 5/03CLARK COUNTY SCHOOL DISTRICT  
**NOTICE OF SUSPENSION**

The Parent or Guardian of

TC: Kimberley Jacobs SCHOOL: Liberty High School #565 DATE: 9/17/04

1. This is to notify you that Kimberley Jacobs Student # 407092 (Date of Birth) 8/29/87 has been SUSPENDED from school.
2. Your child was suspended for the following infraction:  
**Failure to follow school rules (09)**
3. Your child may not return to school until (date): Thursday, September 23, 2004 (3 days)
4. During the suspension, your child will be given the opportunity to make up work missed. It is your responsibility to contact his/her counselor to make arrangements for appropriate subjects.

Received: X Kimberley Jacobs 9/17/04  
Student's Signature DateAddress: 11662 Stivali S:  
Las Vegas, NV 89123Phone: 896-2699 Grade: 11Parent notified: 9/17/04 10:15 am  
Date Time[Signature]  
Administrative Signature**SUSPENSION**

Suspension is the temporary removal of a student from school when circumstances are such that he/she can no longer be kept in school without risk of detriment to the educational program or to himself/herself. The primary purpose of suspension is to give the student, his/her parents, and the school the time needed for resolving a problem. Please be assured that the school is interested in arriving at a solution as quickly as possible. Your understanding and cooperation in helping to solve this problem will be greatly appreciated.

Students suspended for acts of violence, battery to a school district employee or another student, selling or attempting to sell a controlled substance, arson, extortion or robbery, or possession of a weapon, are not allowed on a school campus or any school sponsored activity without the express prior permission of the school principal.

**To Be Read To Student By Administrator**

**(Important Please Note:** To be read **ONLY** to students over the age of 8 suspended for violence, battery, selling or attempting to sell a controlled substance, arson, extortion, robbery, or possession of a weapon.)

**"As the duly appointed representative of the owner of all school district property, I hereby warn you that should you come on this property or any school district property during the term of this suspension without the express prior permission of the principal, you will be trespassing upon this property as defined by the Nevada Revised Statute 207.200, and may be subject to arrest for a misdemeanor."**

[Signature]  
Principal's Signature9/17/04  
DateSuspension Effective: 9/17/04 1:15 pmDate of Parent Conference: 9/17/04 Date Return to Regular School: 9/23/04

Recommendation:

Behavior Program: \_\_\_\_\_ Expulsion: \_\_\_\_\_ Exemption: \_\_\_\_\_ Testing Evaluation \_\_\_\_\_

Other (designate): \_\_\_\_\_

CLARK COUNTY SCHOOL DISTRICT

## NOTICE OF REQUIRED PARENT CONFERENCE

TO The Parent or Guardian of  
Kimberley Jacobs

SCHOOL Liberty High School #565

DATE September 30, 2004 TIME 7:15 AM

1. This is to notify you that before your child, KIMBERLEY JACOBS  
(Date of Birth 8/29/87) (Student # 407092) can return to school, a parent conference must be scheduled for the following reason(s):

Dress Code

2. A conference must be scheduled within three (3) school days to discuss resolution of the problem identified above. A student's absence during this period will not be counted toward the maximum number of allowed absences. If a parent conference has not been scheduled within three (3) school days, absences will be counted toward the maximum number allowed. **The student should accompany the parent to the meeting.**

Please call \_\_\_\_\_ the Deans' Office Phone No. 799-2270, Ext. 4500

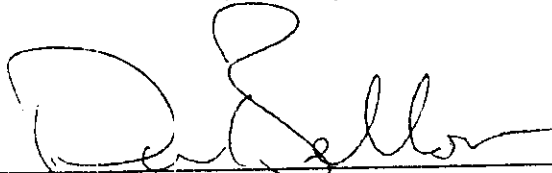
to arrange an appointment with Mr. Bellow, Dean of Students

3. A conference must be scheduled prior to your child's return to school. If a conference is not held within the next three (3) school days, your child **may be** formally suspended from school until the problem(s) is resolved.
4. Students on Required Parent Conference are not allowed on a school campus or at any school sponsored activity, except to attend the Required Parent Conference meeting with the parent, without the express prior permission of the school principal.

### To Be Read To The Student By An Administrator

(Important Please Note: To be read ONLY to students over the age of 8 suspended for violence, battery, selling or attempting to sell a controlled substance, arson, extortion, robbery, or possession of a weapon.)

'As the duly appointed representative of the owner of all school district property, I hereby warn you that should you come on this property prior to the parent conference without the express prior permission of the principal, you will be trespassing upon this property as defined by the Nevada Revised Statute 207.200, and may be subject to arrest for a misdemeanor.'



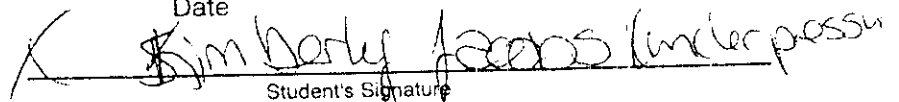
School Administrator's Signature

9/30/04

Effective Time 7:15 AM

Date

Received



Student's Signature

Address 11662 Stivali St, Las Vegas, NV 89123

Date Conference Held

Phone 896-2699

Grade 11

Parent notified by phone 9/30/04 7:10 am

Date Time

Readmit - Date/Time

9998 - 500605

CCF-805  
Rev 12/03

## CLARK COUNTY SCHOOL DISTRICT

**NOTICE OF REQUIRED PARENT CONFERENCE**TO The Parent or Guardian of  
Kimberley Jacobs

SCHOOL Liberty High School #565

DATE September 17, 2004 TIME 10:10 AM

1. This is to notify you that before your child, KIMBERLEY JACOBS  
(Date of Birth 8/29/87) (Student # 407092) can return to school, a parent conference must be scheduled for the following reason(s):

Dress Code

2. A conference must be scheduled within three (3) school days to discuss resolution of the problem identified above. A student's absence during this period will not be counted toward the maximum number of allowed absences. If a parent conference has not been scheduled within three (3) school days, absences will be counted toward the maximum number allowed. The student should accompany the parent to the meeting.

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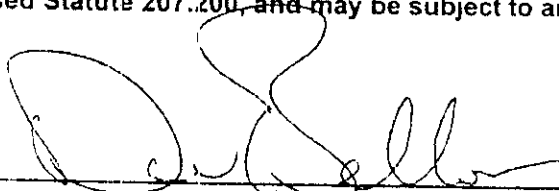
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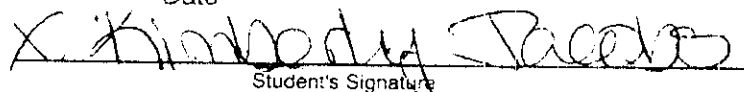
School Administrator's Signature

9/17/04

Date

Effective Time 10:10 AM

Received



Student's Signature

9/17/04

Date Conference Held

Address 11662 Stivali St, Las Vegas, NV 89123

Phone 896-2699 Grade 11

Parent notified by phone

Date Time

Readmit - Date/Time

Distribution: White - Student Yellow - School File Pink - Parent Gold - Counselor

Exhibit 5

## STUDENT PROGRESS REPORT

Tuesday, September 28, 2004

TERM 1: SPANISH I P-3

JWittig@  
interact.  
ccsd.net

Jacobs, Kim (Isabel)

Overall Grade: 67% D

Wittig

CCSD

## Grade Summary

Summary Item	Grade
Overall Grade	67% D
• Category: Homework	100% A+
• Category: Participation	50% F
• Completed Work Avg.	100% A+
• Missing Assignments	0

Grade Scale: A+&gt;=97,A&gt;=93,A-&gt;=90,B+&gt;=87,B&gt;=83,B-&gt;=80,C+&gt;=77,C&gt;=73,C-&gt;=70,D&gt;=60.F&gt;=0

## Term 1 Assignments

#	Date	Category	Assignment	Score	Grade
1	9/16	Participation	Participation Week 1,2	20/20	100% A+
2	9/16	Test/Quiz	Prueba 1		
3	9/21	Participation	Bell Ringers	0/10	0% F email?
4	9/21	Homework	Homework Check	20/20	100% A+
5	9/23	Participation	Participation week3	0/10	0% F
6	9/24	Participation	Pen Pal Letter		

## Comments

Participation - Study Spanish.com

Bell Ringers / Warm-ups by email?

She needs to make-up the Quiz!